

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Morgan Simmons,)	
)	Civil Action No. 7:17-2337-TMC-JDA
Plaintiff,)	
)	
vs.)	ORDER
)	
Katherine O'Neill, Jim Hipp, Kim Mary)	
Danner, Spartanburg County,)	
)	
Defendants.)	
_____)	

Plaintiff, proceeding *pro se*, filed this action pursuant to Title VII of the Civil Rights Act of 1964, as amended (“Title VII”). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court grant Katherine O’Neill, Kim Hipp, and Kim Mary Danner’s (collectively, the “Moving Defendants”) motion to dismiss Plaintiff’s complaint against Moving Defendants. (ECF No. 11). Plaintiff was advised of his right to file objections to the Report. (ECF No. 34-1). However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 34) and incorporates it herein. It is therefore **ORDERED** that Moving Defendants’ motion to dismiss the complaint against Moving Defendants (ECF No. 11) is **GRANTED**. Accordingly, the case is referred back to the magistrate judge for pretrial proceedings as the case will proceed against defendant Spartanburg County.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

April 10, 2018
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.